



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,232	02/06/2002	Aude Prieur-Blanc	ESSR:062US	8542

7590 01/02/2004

Mark B. Wilson
Fulbright & Jaworski L.L.P.
Suite 2400
600 Congress Avenue
Austin, TX 78701

EXAMINER

VARGOT, MATHIEU D

ART UNIT PAPER NUMBER

1732

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,232

Applicant(s)

PRIEUR-BLANC ET AL.

Examiner

Mathieu D. Vargot

Art Unit

1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4/9/02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Claims 18-34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 18, it should be clearly set forth that the surface polishing comprises the steps of grinding followed by a fine grinding and/or polishing, if that is what applicant intends. As the claim is written, it is difficult to tell if all the grinding/polishing steps are required. It is being assumed that applicant desires an initial grinding step which is then followed by a fine grinding and/or polishing, since the latter two are apparently the same. Also, in claim 29, the recitation "attacking by centrifugation" should be amended to —attacking by centrifugation of the solvent or mixture of solvents—and "with a vapor phase" should be —with a vapor phase of solvent or mixture of solvents— for clarity—certainly, it is not just the centrifugation which performs the attacking, but the centrifugation of the solvent(s). The same for the vapor phase attack. Claims 30 and 31 should also be amended.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duchane (see col. 2, lines 48-55; col. 3, lines 3-5).

Duchane discloses that articles such as lenses can be made super smooth by a solvent polishing and that it is known in the art to employ diamond knife machining, or grinding,

Art Unit: 1732

to prepare a smooth surface on plastic articles. Essentially, the applied reference lacks a clear teaching that the two steps would be performed together on a lens and the other aspects of the invention such as centrifuging the solvent and/or using a solvent vapor. First of all, it is well known in the art to perform a diamond lathe turning or grinding of lens surfaces after making the lens. Given that Duchane discloses that the solvent treatment would provide even a smoother surface than such turning, one of ordinary skill in the art would have found doing both as obvious, the grinding to bring the lens surface to the approximate smoothness and surface shape desired followed by the solvent treatment to obtain a lens of super smooth surface and superior light transmission. See column 3, lines 3-5. While Duchane discloses lenses made of acrylic in this passage, polycarbonate as a thermoplastic is disclosed at column 6, line 14 and polycarbonate is a well known material for plastic lens production. Suitable solvents are also set forth in column 6, lines 12+. Duchane keeps the solvent bath in motion and one of ordinary skill in this art would have found a centrifuging to be an obvious expedient over continuously circulating the bath, as either would provide a constant replenishing of the necessary solvent on the article as its principal surface is being smoothed. Duchane also discloses that the bath can be heated (col. 7, lines 43-45) and it is submitted that providing a vapor phase for the solvent would have been obvious thereover. It is generally well known in the solvent smoothing art that liquids as well as vapors can be used. To combine both the centrifuging and the vapor treatment would have been obvious for a synergistic effect.

Art Unit: 1732

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stuart discloses refinishing the body of a thermoplastic by exposing same to solvent vapors. Norville discloses smoothing plastic surfaces using an abrasive paste to improve clarity and optical quality. Bango, Jr (-797 and -526) teach application of solvents to plastic optical disk surfaces to eliminate scratches and smooth the surfaces thereof.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 703 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni, can be reached on 571 272-1196. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot
December 27, 2003

M. Vargot
Mathieu D. Vargot
Primary Examiner
Art Unit 1732

12/27/03